

EXHIBIT “B”

1 Behrouz Shafie SBN 108581
2 Behrouz Shafie & Associates
3 1575 Westwood Blvd., Ste 200
4 Los Angeles, CA 90024-5627
5 Phone Number: (310) 201-8470
6 Fax Number: (310) 201-8472
7 Email: behrouzshafie@gmail.com

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10 Attorney for Plaintiff
11 FRED CHAPARLI
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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

FEB 22 2022

Behrouz Shafie

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNADINO

FRED CHAPARLI

Plaintiff,

vs.

COUNTY OF SAN BERNARDINO, SAN
15 BERNARDINO COUNTY SHERIF'S DEPT.
16 SHERIFF SHANNON D. DICUS, DR. HOGA
and DOES 1 to 100 Inclusive,

Defendants.

By Fax

CASE NUMBER

CIV SB 2203972

UNLIMITED JURISDICTION

COMPLAINT FOR DAMAGES

1. FOR DEPRIVATION OF RIGHTS
UNDER COLOR OF STATE LAW
PURSUANT TO 42 U.S.C. §
1983—CRUEL AND UNUSUAL
PUNISHMENT OF PRISONER BY
PROVISION OF INADEQUATE
MEDICAL CARE
2. INTENTIONAL INFILCTION OF
EMOTIONAL DISTRESS;
3. NEGLIGENCE;
4. MEDICAL NEGLIGENCE
DEMAND FOR JURY TRIAL

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COMPLAINT FOR DAMAGES

CIV SB 2203972

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2 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

3 Plaintiff alleges:

4 FIRST CAUSE OF ACTION

5 FOR DEPRIVATION OF RIGHTS UNDER COLOR OF STATE LAW PURSUANT TO 42
6 U.S.C. § 1983—CRUEL AND UNUSUAL PUNISHMENT OF PRISONER BY PROVISION

7 OF INADEQUATE MEDICAL CARE

8 AGAINST ALL DEFENDANTS

9 1. Plaintiff, FRED CHAPARLI (Plaintiff) an Individual, is now, and at all times herein
10 mentioned was, a resident of the City of LOS ANGELES, County of Los Angeles,
11 State of California.

12 2. Plaintiff is informed and believes and thereon alleges that Defendants, COUNTY OF
13 SAN BERNARDINO, SAN BERNARDINO COUNTY SHERIF'S DEPARTMENT (hereinafter referred to as "SBSD") AND Does 1 to 100, inclusive, were and are
14 authorized to do business in City of SAN BERNARDINO, County of SAN
15 BERNARDINO, State of California, hereinafter jointly referred to "Defendants" and
16 Does 1 to 100, was working within the scope of their employment as Authorized
17 deputies in SAN BERNARDINO County Sheriff's Department and all are collectively
18 referred to as Defendants.

19 3. SHERIFF SHANNON D. DICUS Plaintiff is informed and believes and thereon alleges
20 that Defendant, SHERIFF SHANNON D. DICUS of the COUNTY OF SAN
21 BERNARDINO, SAN BERNARDINO COUNTY SHERIF'S DEPARTMENT (hereinafter referred to as "SHERIFF DICUS) and Senior medical officer of the San
22 Bernardino jail, Doe 1, referred to as Senior Medical officer of San BERNADINO
23 were all authorized to do business in City of SAN BERNARDINO, County of SAN
24 BERNARDINO, State of California, hereinafter jointly referred to "Defendants" and
25 Does 1 to 100, was working within the scope of their employment as Authorized Sheriff
26 and Sr. Medical Officer Dr. Hoga in SAN BERNARDINO County Sheriff's

1 Department and all are collectively referred to as Defendants.

2 4. At all times herein mentioned, defendant San BERNADINO County Jail "medical

3 Tank" was, and is, a department of was, and is a county and political subdivision of

4 the State of California, duly organized and existing under the laws of the State of

5 California.

6 5. At all times herein mentioned, defendant operated San BERNADINO County Jail

7 "medical Tank", and is, a local hospital medical facility in the jail, duly organized and

8 on information and belief existing under the Local Hospital District Law of the State of

9 California and situated in San Bernardino County, California.

10 6. At all times herein mentioned, defendant County of was, and is, a county and political

11 subdivision of the State of California, duly organized and existing under the laws of

12 the State of California.

13 7. At all times herein mentioned, defendant Doe 12, Chief medical officer of defendant

14 San BERNADINO County Jail "Medical Tank" employee was, and is, a resident of

15 San Bernardino, County, California.

16 8. At all times herein mentioned, defendants owned, operated, and maintained a San

17 BERNADINO County Jail "Medical Tank" known as San BERNADINO County Jail

18 "Medical Tank" in San Bernardino, County, California, pursuant to a license duly

19 issued by the California State Department of Health.

20 9. At all times herein mentioned, San BERNADINO County Jail "Medical Tank"

21 employees and defendants DOES I-100 were the agents and employees of defendant

22 San BERNADINO County Jail "Medical Tank", and in doing the things herein

23 mentioned, were acting within the course and scope of their authority as such agents

24 and employees with the consent of their co-defendants.

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1 10. Plaintiff is ignorant of the true names and capacities of Defendants Does 1-100,
2 Inclusive, whether individual, corporate, associate or otherwise, and Plaintiff therefore
3 sues said Defendants by such fictitious names. Plaintiffs will amend this complaint to
4 allege their true names and capacities when ascertained. Plaintiff is informed and
5 believes, and based upon such information and belief alleges, that each of the
6 fictitiously named Defendants are responsible in some manner for the events and
7 happenings alleged in this complaint and that Plaintiff's injuries as alleged in this
8 complaint were directly and legally caused by that conduct.

9 11. Plaintiff is informed and believes, and thereon alleges, that at all times herein,
10 Defendants designated herein as Does 1-100, Inclusive, are now, and all times herein
11 were, citizens and/or residents of the State of California and/or were licensed to do
12 business in the State of California.

13 12. That at all times herein mentioned, DEFENDANTS, and each of them, were the agents
14 and/or servants and/or employees of each of the remaining DEFENDANTS, and were
15 at all times acting within the purpose and scope of said agency and/or service and/or
16 employment, and each DEFENDANT have ratified and approved the acts of his/her
17 agent and/or servant and/or employee.

18 13. Plaintiff is informed and believes, and based upon such information and belief alleges,
19 that at all times herein mentioned, Defendants, and each of them, were the agents,
20 servants, employees, joint-venturers, and copartners of their said co-defendants and as
21 such, were acting with the course and scope of such agency, service, partnership, joint
22 venture and employment at all times herein mentioned.

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1 14. At all times relevant hereto, Defendant SHERIF DEPUTY OFFICERS employed
2 organized, unlawful and illegal customs and practices of excessive force, making false
3 arrests, and intentionally causing emotional distress upon innocent victims. Said
4 misconduct was known by, encouraged, tolerated and/or condoned by Defendant City.

5 15. At all times relevant hereto, Defendant SHERIF DEPUTY OFFICERS were acting
6 within the course and scope of their employment as peace SHERIF DEPUTY
7 OFFICERS and employees of the City, which is liable under the principles of
8 respondeat superior for said employees' tortious conduct pursuant to section 815.2 of
9 the California Government Code.

10 16. At all applicable times, Defendant SHERIF DEPUTY OFFICERS were acting in the
11 course and scope of their employment as peace SHERIF DEPUTY OFFICERS with
12 the SBSD. The acts, omissions and conduct of Defendants were authorized, ratified
13 and/or approved of by each of the other Defendants herein.

14 17. Defendant SHERIF DEPUTY OFFICERS, SBSD, COUNTY, and Does 1-100
15 (hereinafter collectively "Defendants"), and each of them, were employees, employers,
16 supervisors, managers, agents, joint venturers, directors, principals, or persons who
17 were otherwise employed by or working with each of the other Defendants.

18 18. Plaintiff is informed and believes and thereon alleges that each of these Defendants
19 engaged in intentional, reckless, or grossly negligent conduct, and are responsible in
20 some manner for the occurrences herein alleged, and that Plaintiffs' damages as herein
21 alleged were directly and legally caused by the wrongful conduct of Defendants and
22 each of them.

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1 19. The Defendants, in carrying out the acts complained of herein, were acting in the
2 course and scope of their employment with the COUNTY, or as the employer,
3 employee, principal, co-conspirator, and/or the agent of each of the other Defendants,
4 and/or in concert with the other defendants, and/or in partnership with the other
5 Defendants, and/or as a joint venturer with the other Defendants.

6 20. Plaintiffs claims are authorized by Government Code section 815.2 which provides in
7 pertinent part: "A public entity is liable for injury directly and legally caused by an
8 act or omission of an employee of the public entity within the scope of his employment
9 if the act or omission would, apart from this section, have given rise to a cause of
10 action against that employee or his personal representative."

11 21. The actions of Defendants were carried out under color of authority and the County's
12 SHERIF DEPUTY OFFICERS were acting within the course of their employment at
13 the time of the events described herein.

14 22. Reference to actions or conduct of "Defendants" shall include the singular and plural,
15 and shall include all defendants in this action, whether named or designated as a Doe.
16 Reference to any singular defendant shall include all Doe defendants to which the facts
17 are later shown to apply.

18 23. Each principal Defendant and/or Defendant employer herein had advance knowledge,
19 warning of unfitness of each Defendant agent, and/or employee, and employed or
20 continued to employ each such agent and/or employee with a conscious disregard for
21 the rights or safety of Plaintiff and others and/or otherwise authorized and ratified the
22 wrongful conduct of each such agent and/or employee.

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CIV SB 2203972

1 24. JURISDICTION

2 25. This action at law for money damages arises under the United States Constitution, the
3 California State Constitution, the Ralph and Bane Acts, Title 42 U.S.C. Section 1983
4 and all other laws of the State of California and common law principles to redress a
5 deprivation under color of state law of rights privileges and immunities secured to
6 Plaintiffs by said statutes, and by the First, Fourth, and Fourteenth Amendments of
7 the United States Constitution and relevant portions of the California State
8 Constitution.

9 26. VENUE

10 27. The incident giving rise to this litigation occurred in the jail within SAN
11 BERNARDINO COUNTY. Venue is therefore proper in the SAN BERNARDINO
12 County Superior Court, Central District (Stanley Mosk Courthouse).

13 28. FACTS APPLICABLE TO ALL CAUSES OF ACTION

14 29. This is an action brought under 42 U.S.C. § 1983 to obtain and recover damages
15 against defendants for violation of plaintiff's right to be free of cruel and unusual
16 punishment, guaranteed by the Eighth and Fourteenth Amendments to the United
17 States Constitution.

18 30. The jurisdiction of this Court is predicated on 28 U.S.C. §§ 1331 and 1333.

19 31. Plaintiff, FRED CHAPARLI, is, and at all times mentioned in this complaint was, a
20 citizen of the United States, and a prisoner, in the custody of the California
21 Department of Corrections, at San BERNADINO County Jail, in San Bernardino
22 County, California.

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1 32. Defendant County of San Bernardino is, and at all times mentioned in this complaint
2 was, and is a County authorized by the State of California, and is located in San
3 Bernardino county, California. Venue is therefore proper under 28 U.S.C. § 1331(b).
4 33. A substantial part of the events giving rise to this action occurred in San Bernardino
5 county, California. Venue is therefore proper under 28 U.S.C. § 1331(b).
6 34. Defendant was, at all times mentioned in this complaint, legal authorized employees
7 that operate and staff the San BERNARDINO Jail, of San BERNADINO county
8 sheriff, medical staff, medical professionals, and management, chief at the prison all
9 employed by the County of San Bernardino defendant's capacity as a government
10 agent, an agent of the County of San Bernardino employed as Chief Medical Officer
11 at San Bernardino County Jail.
12 35. Defendant was, at all times mentioned in this complaint, acting in the course and scope
13 of his or her employment, as Chief Medical Officer at San Bernadino County Jail.
14 36. Defendant was, at all times mentioned in this complaint, acting under color of state
15 law.
16 37. Defendant is sued in his or her individual and official capacities.
17 38. Plaintiff required to be housed in sanitary conditions and not exposed to disease and
18 infections. Plaintiff required medical care for infections, and his hearing. Defendants'
19 provided inadequate medial treatment and housed Plaintiff in an area in the jail that
20 was contaminated with infections and diseased persons and did not isolate or protect
21 the plaintiff from becoming infected with these infections and infectious conditions.
22 The medical care fell below the standard of care of of the medical facilities and medical
23 doctors staff and treatment.

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1 39. In acting as alleged in this complaint, defendant acted with deliberate indifference to
2 plaintiff's serious medical needs.

3 40. In acting as alleged in this complaint, defendant violated plaintiff's right to be free of
4 cruel and unusual punishment, guaranteed by the Eighth and Fourteenth
5 Amendments to the United States Constitution.

6 41. As a direct and proximate result of defendant's actions, described in this complaint,
7 plaintiff has suffered injury, pain, and emotional distress in that plaintiff lost 100% of
8 his hearing in his right ear and 70% in his left ear, and severe pain, and emotional
9 distress, and any other damage suffered by plaintiff as a result of defendant's
10 provision of inadequate medical care.

11 42. In acting as is alleged in this complaint, defendant acted knowingly, willfully, and
12 maliciously, and with reckless and callous disregard for plaintiff's federally protected
13 rights.

14 43. As a result of defendant's actions, plaintiff has suffered and will continue to suffer
15 extreme hardship and actual and impending irreparable permanent loss of hearing
16 injury, pain, and/or emotional distress in that permanent loss of hearing loss, and
17 emotional distress that plaintiff suffers and will suffer.

18 44. Plaintiff exhausted available administrative remedies, by filing the required county
19 claim.

20 45. Plaintiff was incarcerated in San Bernadino jail from 10/17/19 to 6/1/2020.
21 Defendants' refused the Plaintiff's request to be prescribe and administer steroids
22 while in jail for plaintiff's asthma. The Defendants delayed providing the medicine for
23 more than a month, in that month, Plaintiff almost died was unable to breathe and
24 unable to stand up and caught a bacteria. During his incarceration he was lodged in
25 the medical tank the County exposed Plaintiff to many homeless serious diseased
26 people and unsanitary conditions in close proximity to other sick people and Plaintiff
27 contracted a bacteria that destroyed his hearing 100% in the right ear and 70% in his
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1 left ear. This is county and sheriff negligence, and inadequate training, hiring,
2 retention, and as part of a custom and practice and a lack of providing sanitary
3 conditions in jail in medical unit for prisoners and the Plaintiff, practiced by the
4 Defendants, and each of them. Compensatory and punitive damages are sought against
5 the individual law enforcement **SHERIF DEPUTY OFFICERS** involved in the
6 deprivation of Plaintiffs civil rights as guaranteed by the laws of both the United
7 States and the State of California, as well as against the individually named
8 Defendants herein and each of them.

9 46. As a consequence of the unlawful actions of the **SHERIF DEPUTY OFFICERS** as
10 described herein, Plaintiff, suffered severe physical and emotional injuries due to the
11 unnecessary, unreasonable, excessive use of force and abuse of power exerted upon
12 him by Defendants he was brutally and savagely beaten unconscious and unlawfully
13 arrested. Further, Plaintiff continues to suffer from the harm caused to Plaintiff by the
14 **SHERIF DEPUTY OFFICERS**' intentional and/or negligent and unnecessary,
15 unreasonable, and gross negligence in not providing clean and sanitary premises for
16 the Plaintiff.

17 47. As a direct and legal result of the negligence of defendant[s, and each of them,]
18 plaintiff was hurt and injured in his/her health, strength, and activity, sustaining
19 injury to his/her nervous system and person, all of which injuries have caused, and
20 continue to cause, plaintiff great mental, physical, emotional, and nervous pain and
21 suffering. [Plaintiff is informed and believes and on this information and belief alleges
22 that these injuries will result in permanent disability to him. As a result of these
23 injuries, plaintiff has suffered general damages.

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1 48. As a further direct and legal result of the negligence of defendants' and each of them,
2 plaintiff has incurred, and will continue to incur, medical and related expenses.
3 Plaintiff does not know at this time the exact amount of expenses that have been
4 incurred and that will be incurred in the future.

5 49. Plaintiff has complied with all government claims notice procedures, his claim and
6 county's response is attached as Exhibit 1 and is incorporated herein by this reference.

7 50. **SECOND CAUSE OF ACTION FOR INTENTIONAL INFILCTION OF**
8 **EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

9 51. Plaintiff repeats and realleges each and every allegation of paragraphs 1 through 41
10 above as though fully set forth herein.

11 52. The Defendants' actions as set forth herein occurred during the course and scope of
12 their employment for the COUNTY, through the SBSD, and were both intentional and
13 malicious. The conduct of Defendants, and each of them was willful, wanton,
14 oppressive, fraudulent, despicable, threatening, evil, intimidating and beyond that
15 which should be tolerated by a civilized society. The acts of these Defendants were
16 carried out with a conscious disregard of the likelihood of causing injury, suffering, or
17 distress to Plaintiffs, and involved reckless and callous indifference to the state and
18 federally protected rights of others. Therefore punitive damages in a sum according to
19 proof, consistent with the net worth of these Defendants and in a sum sufficient to
20 deter similar such conduct in the future is also sought against all individual and non
21 municipal defendants.

22 53. As a legal result of such intentional misconduct, exhibited by Defendants, Plaintiff
23 sustained injuries and damages in a sum to be ascertained according to proof. As a
24 further legal result of Defendants' intentional misconduct, Plaintiff suffered and
25 continues to suffer severe anxiety, worry, emotional distress, and mental anguish, all
26 resulting in damages in a sum to be ascertained according to proof.

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1 54. As a further legal result of such misconduct, Plaintiff incurred expenses for medicines,
2 medical treatment, therapy, and/or other related expenses, attorneys fees, litigation
3 costs and other general and special damages in a sum to be ascertained according to
4 proof.

5 55. As a further legal result of Defendants' intentional misconduct, Plaintiff suffered
6 incidental and consequential damages in an amount according to proof.

7 56. As a direct and legal result of the negligence of defendant[s, and each of them,] Plaintiff
8 was hurt and injured in his/her health, strength, and activity, sustaining
9 injury to his/her nervous system and person, all of which injuries have caused, and
10 continue to cause, Plaintiff great mental, physical, emotional, and nervous pain and
11 suffering. [Plaintiff is informed and believes and on this information and belief alleges
12 that these injuries will result in permanent disability to him. As a result of these
13 injuries, Plaintiff has suffered general damages.

14 57. As a further direct and legal result of the negligence of defendants' and each of them,
15 Plaintiff has incurred, and will continue to incur, medical and related expenses.
16 Plaintiff does not know at this time the exact amount of expenses that have been
17 incurred and that will be incurred in the future

18 58. Because the acts and omissions of Defendants were carried out in a deliberate, cold,
19 callous, intentional and/or unreasonable manner, causing injury and damage to
20 Plaintiff as set forth above, and done with a conscious disregard of Plaintiff's rights and
21 safety, Plaintiff requests the assessment of punitive damages against said Defendants,
22 in an amount appropriate to punish or set an example of said Defendants.

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1 59. THIRD CAUSE OF ACTION FOR NEGLIGENCE AGAINST ALL DEFENDANTS

2 60. Plaintiff repeats and realleges each and every allegation of paragraphs 1 through 48

3 above as though fully set forth herein.

4 61. On or about October, 2019 to June 1, 2022 the time Plaintiff was housed in unsanitary

5 conditions in the jail, and thereafter, Plaintiff was entitled to the duty of due care by

6 Defendants and each of them.

7 62. On or about said date, Defendants, and each of them, breached the duty of care owed

8 to Plaintiff in that defendants negligently subjected Plaintiff to injury, harm and

9 damage by having him be housed in an unsanitary Medical Tank housing..

10 63. In doing the aforementioned acts, defendants' breach of duty was negligent, and

11 caused Plaintiff to suffer emotional and mental distress, fear, anxiety, and mental

12 anguish.

13 64. As a direct and proximate result of the foregoing, Plaintiff has suffered, and continues

14 to suffer, mental and emotional distress and is entitled to and demands damages

15 against defendants jointly and severally, including, As a direct and legal result of the

16 negligence of defendants, and each of them, plaintiff carelessly failure to adequately attend

17 to plaintiff's safety, failed to keep the medical Tank clean and sanitary and free form

18 infections, failed to keep other infected inmates form the Plaintiff, failed to treat the plaintiff

19 for his infections to prevent his hearing loss, , although defendants, and each of them, knew,

20 or in the exercise of reasonable care for plaintiff's safety should have known, that plaintiff

21 was likely to become infected while held in the Jail medical Tank and lost his hearing and

22 suffered the injuries hereinafter alleged.

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1 65. As a direct and legal result of the negligence of defendants, and each of them, plaintiff
2 was hurt and injured in his health, strength, and activity, sustaining injury to his body
3 and shock to his nervous system and person, all of which injuries have caused, and
4 continue to cause, plaintiff great mental, physical, and nervous pain and suffering.
5 Plaintiff is informed and believes and thereon alleges that such injuries has resulted in
6 a permanent disability to him a loss of hearing 100% in right ear and 70% in left ear.
7 As a result of such injuries, plaintiff has suffered general damages.

8 66. As a direct and legal result of the negligence of defendant[s, and each of them,] plaintiff
9 was hurt and injured in his/her health, strength, and activity, sustaining
10 injury to his/her nervous system and person, all of which injuries have caused, and
11 continue to cause, plaintiff great mental, physical, emotional, and nervous pain and
12 suffering. [Plaintiff is informed and believes and on this information and belief alleges
13 that these injuries will result in permanent disability to him. As a result of these
14 injuries, plaintiff has suffered general damages.

15 67. As a further direct and legal result of the negligence of defendants' and each of them, plaintiff
16 has incurred, and will continue to incur, medical and related expenses.
17 Plaintiff does not know at this time the exact amount of expenses that have been
18 incurred and that will be incurred in the future

19 68. As a further direct and legal result of the negligence of defendants, and each of them, plaintiff
20 has been required to expend money and incur obligations, and will continue to
21 expend money and incur obligations, for medical services, X rays, drugs, and sundries
22 reasonably required in the treatment and relief of the injuries herein alleged. Plaintiff
23 has been damaged thereby.

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1 69. As a further direct and legal result of the negligence of defendants, and each of them,
2 plaintiff was prevented from attending to his usual occupation as an owner/employee
3 tire wholesale business for a period of 18 months to the date of the filing of this
4 complaint and thereby lost earnings. Plaintiff will not be able to earn income in the
5 future until the date of his death due to Defendant's negligence.

6 70. On the date he sustained the injuries caused by the defendant's negligence as herein
7 above alleged and for years prior thereto, the plaintiff was a full-time owner employee
8 of is business as in , and in that employment was receiving a salary of \$8,000.00 per
9 month. As a direct and proximate result of his injuries and because of same, the
10 plaintiff was prevented from performing, and was unable to do or perform, his work
11 in such employment for a period of the last 18 months, whereby he has been damaged
12 in the sum of \$ 144,000.00.

13 71. By reason of his injuries caused by the defendant's negligence as herein stated, the
14 plaintiff will be prevented from performing and will be unable in the future to do or
15 perform his work in his employment for a period of months, whereby he has suffered
16 additional damage in the sum of \$\$96,000.00 a year for the next 40 years Plaintiff's life
17 expectancy for a total amount due of \$3,840,000.00.

18 72. By reason of his injuries caused by the defendant's negligence as herein above alleged,
19 the plaintiff will be prevented from performing and will be unable in the future to do
20 or perform his work in his employment for a period of time as yet unknown to him,
21 and leave of court is hereby requested to amend this complaint to allege the total time
22 lost from his work, and the amount of his damages caused thereby when same shall
23 have been determined.

24 FOURTH CAUSE OF ACTION FOR COMPLAINT FOR DAMAGES

25 [Civ. Code § 3333, 3333.2] for Personal Injuries Based on Professional

26 Negligence

27 AGAINST ALL DEFENDANTS

1 73. Plaintiff repeats and realleges each and every allegation of paragraphs 1 through 60
2 above as though fully set forth herein.

3 74. 6. On or about 10/1/2019, plaintiff entered the Medical Tank for the purpose of
4 asthma, infection in his sinuses and ears. At that time, defendants, and each of them,
5 undertook to provide plaintiff with such care and attendance as plaintiff might require
6 while he was a patient in the San Bernardino Jail Medical Tank.

7 75. On or about October 2019, while plaintiff was a patient in the San Bernardino Jail
8 Medical Tank, defendants, and each of them, negligently and carelessly failure to
9 adequately attend to plaintiff's safety, failed to keep the medical Tank clean and
10 sanitary and free form infections, failed to keep other infected inmates form the
11 Plaintiff, failed to treat the plaintiff for his infections to prevent his hearing loss, ,
12 although defendants, and each of them, knew, or in the exercise of reasonable care for
13 plaintiff's safety should have known, that plaintiff was likely to become infected while
14 held in the Jail medical Tank.

15 76. As a direct and legal result of the negligence of defendants, and each of them, plaintiff
16 carelessly failure to adequately attend to plaintiff's safety, failed to keep the medical
17 Tank clean and sanitary and free form infections, failed to keep other infected inmates
18 form the Plaintiff, failed to treat the plaintiff for his infections to prevent his hearing
19 loss, , although defendants, and each of them, knew, or in the exercise of reasonable
20 care for plaintiff's safety should have known, that plaintiff was likely to become
21 infected while held in the Jail medical Tank and lost his hearing and suffered the
22 injuries hereinafter alleged.

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1 77. As a direct and legal result of the negligence of defendant[s, and each of them,] 2 plaintiff was hurt and injured in his/her health, strength, and activity, sustaining 3 injury to his/her nervous system and person, all of which injuries have caused, and 4 continue to cause, plaintiff great mental, physical, emotional, and nervous pain and 5 suffering. [Plaintiff is informed and believes and on this information and belief alleges 6 that these injuries will result in permanent disability to him. As a result of these 7 injuries, plaintiff has suffered general damages.

8 78. As a further direct and legal result of the negligence of defendants' and each of them, 9 plaintiff has incurred, and will continue to incur, medical and related expenses. 10 Plaintiff does not know at this time the exact amount of expenses that have been 11 incurred and that will be incurred in the future

12 79. As a direct and legal result of the negligence of defendants, and each of them, plaintiff 13 was hurt and injured in his health, strength, and activity, sustaining injury to his body 14 and shock to his nervous system and person, all of which injuries have caused, and 15 continue to cause, plaintiff great mental, physical, and nervous pain and suffering. 16 Plaintiff is informed and believes and thereon alleges that such injuries has resulted in 17 a permanent disability to him a loss of hearing 100% in right ear and 70% in left ear. 18 As a result of such injuries, plaintiff has suffered general damages.

19 80. As a further direct and legal result of the negligence of defendants, and each of them, 20 plaintiff has been required to expend money and incur obligations, and will continue to 21 expend money and incur obligations, for medical services, X rays, drugs, and sundries 22 reasonably required in the treatment and relief of the injuries herein alleged. Plaintiff 23 has been damaged thereby.

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1 81. As a further direct and legal result of the negligence of defendants, and each of them,
2 plaintiff was prevented from attending to his usual occupation as an owner/employee
3 tire wholesale business for a period of 18 months to the date of the filing of this
4 complaint and thereby lost earnings. Plaintiff will not be able to earn income in the
5 future until the date of his death due to Defendant's negligence.

6 82. On the date he sustained the injuries caused by the defendant's negligence as herein
7 above alleged and for years prior thereto, the plaintiff was a full-time owner employee
8 of is business as in , and in that employment was receiving a salary of \$8,000.00 per
9 month. As a direct and proximate result of his injuries and because of same, the
10 plaintiff was prevented from performing, and was unable to do or perform, his work
11 in such employment for a period of the last 18 months, whereby he has been damaged
12 in the sum of \$ 144,000.00.

13 83. By reason of his injuries caused by the defendant's negligence as herein stated, the
14 plaintiff will be prevented from performing and will be unable in the future to do or
15 perform his work in his employment for a period of months, whereby he has suffered
16 additional damage in the sum of \$\$96,000.00 a year for the next 40 years Plaintiff's life
17 expectancy for a total amount due of \$3,840,000.00.

18 84. By reason of his injuries caused by the defendant's negligence as herein above alleged,
19 the plaintiff will be prevented from performing and will be unable in the future to do
20 or perform his work in his employment for a period of time as yet unknown to him,
21 and leave of court is hereby requested to amend this complaint to allege the total time
22 lost from his work, and the amount of his damages caused thereby when same shall
23 have been determined.

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1 85. On or about 8/6/2021, plaintiff presented to San BERNADINO County by delivering
2 a claim to the clerk for the injuries, disability, losses, and damages suffered and
3 incurred by him by reason of the above-described occurrence, all in compliance with
4 the requirements of Section 905 of the Government Code. A copy of the claim is
5 attached hereto as Exhibit 1 and made a part hereof.

6 86. On or about September 3, 2021, San Bernardino County rejected the claim in its
7 entirety or allowed the claim in the amount of \$2,010,000.00 and rejected it as to the
8 remainder or failed to act on the claim within the period of 45 days after its
9 presentation, and the claim was thus deemed rejected, under the provisions of Section
10 912.4 of the Government Code, at the expiration of the 45-day period, to wit, on
11 9/21/2021.

12 87. Plaintiff gave notice to defendant on 8/6/2021, of intention to commence this action. A
13 copy of the notice is attached hereto as Exhibit 1 and made a part hereof.

14

15 WHEREFORE, plaintiff prays judgment against all Defendants:

16 1. Compensation for both economic and non economic damages suffered and to be suffered;

17 2. Medical, legal and other expenses incurred by Plaintiff;

18 3. Future medical expenses.

19 4. Compensatory damages caused by deprivation of Plaintiff's constitutional rights;

20 5. Lost wages to date of \$144,000.00

21 6. Lost Future wages and earning capacity of \$3,840,000.00

22 7. Litigation costs;

23 8. Attorneys' fees, as allowed by statute;

24 9. Prejudgment Interest;

25 10. Civil Penalties as allowed by law.

26 11. Punitive damages (against the non-municipal Defendants only);

27 12. Any other relief or damages allowed by law, or statutes not set out above, and such further

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1 relief as this Court deems just and proper at conclusion of trial.

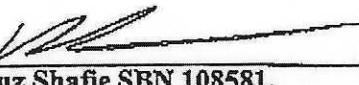
2 **FOR ALL CAUSES OF ACTION**

3 **12. For costs of suit herein incurred; and**

4 **13. For such other and further relief as the court may deem proper.**

5 Dated: February 15, 2022

Behrouz Shafie & Associates

6 By: 

7 Behrouz Shafie SBN 108581,
8 Attorney for Plaintiff
FRED CHAPARLI

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EXHIBIT 1

19
COMPLAINT FOR DAMAGES

CLAIM AGAINST COUNTY OF SAN BERNARDINO
(CLAIM FORM MUST BE FILLED OUT PROPERLY OR CLAIM WILL BE RETURNED WITHOUT FILING)



DATE: 07/26/2021

Claim is hereby made against the treasury of the County of San Bernardino, State of California, as follows:

- Less than \$10,000 – State the total amount claimed \$ \$2,020,000.00
- More than \$10,000 – Check one of the boxes:
 Municipal Court Jurisdiction (\$10,000 - \$25,000) Superior Court Jurisdiction (\$25,001 and up)

Claimant makes the following statements in support of the claim:

1. Name of Claimant:	FRED	CHAPARLI	
	First	Middle	Last
	(Area Code and Phone No.)		
2. Address of Claimant:	11740 WILSHIRE BLVD., A-2401,	LOS ANGELES	CA 90025
	Street	City	Zip Code

3. Notices concerning claim should be sent to:
BEHROUZ SHAFIE ESQ. 1575 WESTWOOD BLVD. STE 200, LA CA 90024

4. Circumstances giving rise to claim are as follows: CLAIMANT WAS INCARCERATED IN SAN BERNARDINO JAIL FROM 10/17/19 TO 5/20/20. During his incarceration he was lodged in the Medical tank exposed to many diseased people and unsanitary conditions and contracted a bacteria that destroyed his hearing 100% in the right ear and 70% in his left ear.

5. Date, Time and Place (city, street, cross-street) damage occurred and nature thereof: _____
diagnosed on 5/11/2021, injury occurred in jail

6. Public property and/or public officers or employees causing injury, damage or loss:
San Bernadino County Sheriff's dept. Incarcerated him

7. Name, address and telephone number of witnesses: _____
Howard Schneider, public defender Medical staff at jail

8. Basis of computation of claimed amount is as follows:

Medical expenses to date \$10,000.00
Estimated future medical expenses \$10,000.00
Other expenses _____
Other damages \$2,000,000.00

Loss wages _____
General damages \$10,000.00
Property damage _____

Claimant or Representative (Signature)

RETURN COMPLETED FORM TO:

Risk Management Division – County of San Bernardino, State of California
222 W. Hospitality Lane, 3rd Floor
San Bernardino, CA 92415-0016

Office: (909) 386-8631
Fax: (909) 382-3212

07-8387-286

CIV SB 2203972

1 PROOF OF SERVICE

2 I am a resident of, or employed in, the County of Los Angeles. I am over the age of 18
 3 and not a party to this action. My business address is 1575 Westwood Blvd., Ste 200, La Ca
 90024.

4 On July 26, 2021 I served the document(s) entitled CLAIM AGAINST COUNTY OF
 SAN BERNARDINO by the following methods:

5 **U.S. MAIL** - By enclosing the above document(s) in a sealed envelope, with postage
 6 fully prepaid, addressed as per the attached Service List, for collection and mailing from my
 7 above business address. I am readily familiar with my firm's practice of collection and
 processing correspondence for mailing. Under that practice, the document is deposited with the
 8 U.S. Postal Service on the same day as it is collected and processed for mailing in the ordinary
 course of business. SEE SERVICE LIST

9 **OVERNIGHT DELIVERY** - By delivering the above document(s) in a sealed
 envelope designated by the express service carrier, with delivery fees paid, addressed as per the
 10 attached Service List, to a facility regularly maintained by the express service carrier or to a
 courier authorized by the express service carrier to receive documents.

11 **PERSONAL SERVICE** - By personally delivering the above document(s) to the:
 12 person(s) identified on the attached Service List.
 13 person(s) in charge at the office address(es) listed on the attached Service List, or if
 no one is in charge leaving the document(s) in a conspicuous place in the office(s).
 14 person(s) of suitable age and discretion who reside(s) at the address(es) listed on
 the attached Service List.

15 **ELECTRONIC SERVICE** - Pursuant to court order or agreement by the parties, by
 electronically transmitting the above document(s) via:
 16 electronic mail to the person(s) at the electronic mail address(es) listed on the
 attached Service List. To my knowledge, the transmission was completed without
 error.
 17 an electronic filing service provider, named _____ to the
 18 person(s) listed on the attached Service List. To my knowledge, the transmission
 was completed without error. (See Cal.R.Cv.R. 2.253,2.255,2.260)

19 **FAX** - Pursuant to court order or agreement by the parties, by transmitting the above
 20 document(s) via fax to the person(s) at the fax number(s) listed on the attached Service List. To
 my knowledge, the transmission was completed without error.

21 Executed this 26th day of July, 2021, at Los Angeles.

22 **STATE** - I declare, under penalty of perjury under the laws of the State of California,
 23 that the foregoing is true and correct.

24 **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this
 25 court at whose direction the service was made. I declare, under penalty of perjury,
 under the laws of the United States of America, that the foregoing is true and correct.

27 SHARON SOVOTA

28 PROOF OF SERVICE

CIV SB 2203972

1
2 SERVICE LIST
3

4 Risk Management Division
5 County of San Bernardino,
6 State of California
7 222 W. Hospitality Lane,
8 3rd Floor
9 San Bernardino, CA 92415-0016
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PROOF OF SERVICE

222 West Hospitality Lane, Third Floor, San Bernardino, CA 92415

www.SBCounty.gov



Department of Risk Management

Victor Tordesillas
Interim Director

Phone Number
909.386.8655

Fax Numbers
Admin/Fiscal: 909.382.3211
Workers Comp: 909.386.8711
Liability: 909.382.3211
Safety: 909.382.3212

August 6, 2021

Fred Chaparli
c/o Law Offices of Behrouz Shafie & Assoc.
1575 Westwood Blvd., #200
Los Angeles, CA 90024

RE: Claimant..... Fred Chaparli
Date of Loss..... 05/11/2021
Our File..... 137823

Dear Fred Chaparli:

We are in receipt of your claim against the County of San Bernardino and are currently investigating the circumstances surrounding your claim. A decision regarding the County's liability will be made upon completion of the investigation or within 45 days of our receipt of your claim.

If you have any questions, please contact me at (909) 386-8646.

Respectfully,

A handwritten signature of Michael R. Lee.

Michael R Lee
Liability Claims Rep III
DEPARTMENT OF RISK MANAGEMENT

Receipt of claim letter

BOARD OF SUPERVISORS

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JANICE RUTHERFORD
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Chairman, Fourth District

JOE BACA, JR.
Fifth District

Leonard X. Hermunda
Chair, Executive Committee

222 West Hospitality Lane, Third Floor, San Bernardino, CA 92415

www.SBCounty.gov



Department of Risk Management

Victor Tordesillas
Interim Director

Phone Number
909.386.8655

Fax Numbers
Admin/Fiscal: 909.382.3211
Workers Comp: 909.386.8711
Liability: 909.382.3211
Safety: 909.382.3212

September 3, 2021

Fred Chapari
c/o Law Offices of Behrouz Shafie & Assoc.
1575 Westwood Blvd., #200
Los Angeles, CA 90024

RE: Claimant..... Fred Chapari
Date of Loss..... 05/11/2021
Amount of Claim..... Undetermined
Our File..... 137823

Notice is hereby given that the claim which you presented to the County of San Bernardino on 7/30/2021 was rejected on 9/3/2021.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

A handwritten signature of Michael R Lee.

Michael R Lee
Liability Claims Rep III
DEPARTMENT OF RISK MANAGEMENT
(909) 386-8646

BOARD OF SUPERVISORS

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Chairman, Fourth District

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Fifth District

Alvarado X. Hernandez
Chairman, Sixth District

P 029

CIV SB 220397?

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
ss:

I, the undersigned, declare:

I am employed in the County of San Bernardino, State of California; I am over the age of 18 years and not a party to this action; my business address is 222 West Hospitality Lane, Third Floor, San Bernardino, California, 92415-0016. I am familiar with this office's practice for collection and processing of documents for mailing with the United States Postal Service. The documents are deposited with the United States Postal Service on the same day in the ordinary course of business. On the date written below, I served the document named below on the parties indicated by placing a true copy thereof enclosed in a sealed envelope for collection and mailing from 222 West Hospitality Lane, Third Floor, San Bernardino, Ca. following ordinary business practice, addressed as follows, and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on September 3, 2021, at San Bernardino, California.

DOCUMENT: BSWARa

PARTIES SERVED:

Fred Chaparil
c/o Law Offices of Behrouz Shafie & Assoc.
1575 Westwood Blvd., #200
Los Angeles, CA 90024



S. D. B.

proofsvc